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SUBJECT: CONSTITUTIONAL REFERENDUM TO BE HELD APRIL 4

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¶11. (SBU) SUMMARY: The Government of Madagascar (GOM) has announced a Constitutional Referendum to be held April 4, 2007. A hastily-convened committee is considering over 200 possible changes, and will soon make recommendations to the Council of Ministers, who will then decide which changes should be published and included in the referendum. Civic leaders are calling for transparency and questioning the President's motives. END SUMMARY.

¶12. (U) A committee of nine magistrates and other notables was recently convened by the GOM to consider revisions of Madagascar's 1992 Constitution (the Constitution was once previously amended by referendum in April 1998). The Constitutional Revision Preparatory Committee is informally led by former High Constitutional Court (HCC) President and Senator Honore Rakotomanana and the Secretary General at the Presidency Noel Rakotondrambo. Contacts among the nine members told Embassy staff they will not make any public statements or accept any meeting requests while they consider over 200 submissions for possible changes received from the Government, political parties, and civil society during a short submission period that ended February 14.

¶13. (U) According to press reports, the Committee will decide - behind closed doors - which of the proposed changes to the Constitution will be put to a referendum April 4. While details are not confirmed, Post believes all changes would be considered together as a single up or down vote in the referendum; rather than allowing a separate vote on each change. The Committee is expected to submit its recommendations to the Council of Ministers for a final decision on the list of referendum items by early March. Only after that meeting will the referendum changes be published.

¶14. (U) Speculation about proposed changes to be included in the referendum abounds in Antananarivo. An incomplete and unconfirmed list of possible proposals includes:

-- Abolishing the six-province structure, leaving behind the 22 regions and the commune-level local government; thereby eliminating one layer of government;

-- Formalizing the legal status of the 22 regions under the Constitution, to date led by Regional Chiefs named by the President;

-- Abolishing the Senate, leaving the National Assembly as a unicameral legislature;

-- Creating a requirement that candidates for the Presidency must be resident in Madagascar for six months prior to the vote;

-- Eliminating the position of Prime Minister so that the President would be both Head of State and head of the government.

Opposition Outspoken Against Referendum

15. (U) Predictably, opposition leaders have spoken out against the referendum process and about possible changes to the Constitution. Recent presidential candidates Lahiniriko and Herizo have made public statements calling for transparency and demanding to know what issues will be considered for the referendum. An editorial in the opposition "Tribune" newspaper expressed concern about the rapidly-organized referendum process, and made the reasonable argument that most Malagasy will not have time to understand the implications of the issues at hand by April 4. The editorial suggests the Committee is no more than a cover for President Ravalomanana to make his own changes to the Constitution. Several observers argued the items up for referendum should have been published before the date of the vote was announced.

16. (U) National Elections Observation Committee (KMF/CNOE) Secretary General Rakotoarison questioned the motivations of the President to call for a referendum, noting that previous changes to the Constitution typically consolidated and increased the power of the President. Given that CNOE and other major NGOs expended their effort and resources on the December 3 election, they have had limited time or capacity to consider the referendum. Civic leaders like CNOE and FFKM, a church coalition, have previously authored lengthy proposals to change the electoral code, but are not prepared to present changes to the Constitution.

Government Intention to Expedite Development

17. (U) There has been little government explanation or information about the Referendum, except to say in general that Constitutional changes are needed to accelerate the pace of economic development

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and implement the Madagascar Action Plan (MAP). One official commented the intended changes would not increase the power of the President, but would decrease some powers elsewhere in Government at central and regional levels.

18. (SBU) COMMENT: Until the Committee publishes the changes to be included in the April 4 referendum, it is difficult to conclude what the impact might be for Madagascar's governance and transparency. Viewed in a positive light, streamlining government, eliminated redundant layers, and improving the delivery of services could all enhance Madagascar's efforts at economic development and poverty reduction envisioned in the MAP. Viewed skeptically, President Ravalomanana has a new five-year mandate in hand, and may be seeking to eliminate perceived obstacles to implementing his vision for Madagascar. END COMMENT.

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